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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,493	01/09/2002	James M. McArdle	AUS920010928US1	6737

7590

06/03/2005

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EXAMINER

CHOW, CHIH CHING

ART UNIT

PAPER NUMBER

2192

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/042,493

Applicant(s)

MCARDLE, JAMES M.

Examiner

Chih-Ching Chow

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>12/02/04</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/09/02</u> | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

1. This action is responsive to amendment dated December 13, 2004.
2. Per Applicants' request, Specification has been amended.
3. Claims 1-9 remain pending.

#### ***Response to Amendment***

4. Per Applicants' request, Specification amendment dated 12/13/2004 has been amended.

#### ***Response to Arguments***

5. Applicants' arguments for the 35 USC § 112 (2<sup>nd</sup>) paragraph rejection have been fully considered respectfully by the Examiner but they are not persuasive.

6. Applicants' arguments are basically in the following points:

##### **A. Claims 1-9 were rejected under 35 USC § 112 as indefinite**

- "Those of ordinary skill in the art are acquainted with the claimed 'system command environment' and would find the claimed language definite.

Examiner's Response: The Examiner has stated clearly 'launching an external command to capture a system command environment' is not clearly defined in the previous office action. Argument of the 'system command environment' does not clarify the indefiniteness of the claims.

- "One of ordinary skill in the art would interpret 'system command environment' as referencing a command environment such as that available for Windows or indeed any operating system command environment such as that of the UNIX command environment."

Examiner's Response: As mentioned during the telephone interview, the applicant put 'general' information into the claim and failed to put specific teaching to this invention; the applicant has put three different definitions for 'system command' (Windows, UNIX, and Sandia National Lab) in the REMARKS alone - how can it be definite? The phrase of "a command environment is defined as variable and value pairs" was never introduced in the specification. The Primary Examiner was correct, the claims should be rejected under 35 USC § 112 (1<sup>st</sup>) paragraph at the first place. Therefore, the rejections to claims 1-9 is remained.

**B. Claims 1-9 were rejected under 35 USC § 103 (a) as unpatentable over Padawer in view of "Dictionary".**

- "Padawer in view of Dictionary does not teach or suggest 'linking the command to the command environment with the added parameter string.'

Examiner's Response: Padawer's teaching allows user to customize a menu of commands, the commands can be command with the added parameter string, those commands are executed with an external computer system (see Padawer's Abstract), Examiner does not see Padawer teaches away from the claimed invention.

7. Examiner is maintaining the 35 USC § 112 and 35 USC § 103 Rejections.

***Conclusion***

8. The following summarizes the status of the claims:

35 USC § 112 rejection: claims 1-9.

35 USC § 103 rejection: claims 1-9.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Ching Chow whose telephone number is 571-272-3693. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature of relating to the status of this application should be directed to the **TC2100 Group receptionist: 571-272-2100.**

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

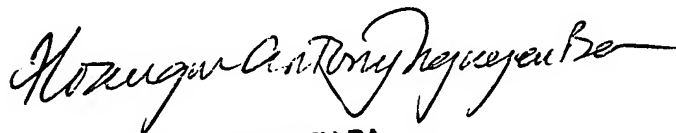
Chih-Ching Chow

Examiner

Art Unit 2192

May 19, 2005

CC



ANTONY NGUYEN-BA  
PRIMARY EXAMINER